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Attorneys for Defendants
RECONTRUST COMPANY, N.A.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS TRUSTEE
FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS CWMBS, INC. CHL
MORTGAGE PASS-THROUGH TRUST 2005-2
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2005 2;
AMERICA'S WHOLESALE LENDER;
COUNTRYWIDE HOME LOANS, INC.;
AND BAC HOME LOANS SERVICING, LP

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT
SAN JOSE DIVISION

IN RE KIMBERLY COX,

Debtor.

Case No.: 5:10-bk-61716

Chapter 7

Adversary No.: 5:11-ap-05106

IN RE KIMBERLY COX,

Plaintiff,

vs.

RECONTRUST COMPANY, N.A. ET. AL.,

Defendants.

**NOTICE OF HEARING ON MOTION
TO DISMISS FOR LACK OF
STANDING, FOR LACK OF SUBJECT
MATTER JURISDICTION, FOR
ABSTENTION, AND FOR FAILURE
TO STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED**

Date: June 10, 2011
Time: 2:00 P.M.
Ctrm: Courtroom 3070
Place: 280 South First Street
San Jose, CA

Judge: Hon. Charles Novack

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on June 10, 2011 at 2:00 p.m., in Courtroom 3070 of the
3 above-entitled United States Bankruptcy Court located at 280 South First Street, San Jose,
4 California, Defendants Recontrust Company, N.A. ("Recontrust Company"); Mortgage
5 Electronic Registration Systems, Inc. ("MERS"); The Bank of New York Mellon FKA The Bank
6 of New York as Trustee for the Benefit of the Certificateholders CWMBS, Inc. CHL Mortgage
7 Pass-Through Trust 2005-2 Mortgage Pass-Through Certificates, Series 2005 2 ("Bank of New
8 York Melon"); America's Wholesale Lender; Countrywide Home Loans, Inc. ("Countrywide");
9 and BAC Home Loans Servicing, LP ("BAC Home Loans"), will move this Court to dismiss the
10 complaint filed by Plaintiff Kimberly Cox, ("Plaintiff").

11 This motion is based on this notice, the accompanying memorandum of points and
12 authorities, as well as the complaint and all other records on file in this action, and any further
13 briefs, evidence, authorities, or argument presented before or at the hearing of this motion.

14
15 DATED: May 13, 2011

Respectfully submitted,

16 SEVERSON & WERSON
17 A Professional Corporation

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19 By: /s/ Bernard J. Kornberg
Bernard J. Kornberg

20 Attorneys for Defendants
21 RECONTRUST COMPANY, N.A.;
22 MORTGAGE ELECTRONIC
23 REGISTRATION SYSTEMS, INC.;
24 THE BANK OF NEW YORK MELLON fka
The Bank of New York as Trustee for the
25 Benefit of the Certificateholders CWMBS, Inc.
26 CHL Mortgage Pass-Through Trust 2005-2
Mortgage Pass-Through Certificates, Series
2005 2; AMERICA'S WHOLESALE
LENDER; COUNTRYWIDE HOME LOANS,
INC.; and BAC HOME LOANS SERVICING,
LP